

# UTILITY PATENT APPLICATION TRANSMITTAL

Address to: <b>Box PATENT APPLICATION</b> Commissioner for Patents United States Patent & Trademark Office Washington, D.C. 20231	Attorney Docket No.	RPC 0559 PUS
	Inventor(s) or Appln. Identifier	WILLIAM PATRICK APPS GERALD R. KOEFELDA

1. This application entitled NESTABLE DISPLAY CRATE FOR BOTTLE CARRIERS is:
- a. ☐ A new application under 37 C.F.R. § 1.53(b).
  - b. ☒ A ☒ continuation ☐ divisional or ☐ continuation-in-part application under 37 C.F.R. 1.53(b) of prior application Serial No. 09/399,990 filed on 9/20/99, entitled Nestable Display Crate for Bottle Carriers, which is a continuation of prior application Serial No. 08/921,153, filed 8/29/97, now U.S.P.N. 5,979,654, issued 11/9/99.
  - c. ☐ A new utility application which claims the benefit of provisional application Serial No.         , filed on         .

Application elements and other attached papers:

- 2. ☒ Specification (including Claims and Abstract) [Total Pages 10]
- 3. ☒ Drawings (☐ informal / ☒ formal) [Total Sheets 8]
- 4. ☐ Oath or Declaration
  - a. ☐ Newly-executed
  - b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
- 5. ☒ Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- 6. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box Patent Application, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

Express  
 Mail Label No. EL 503 256 556 US

Date of Deposit: February 15, 2001

KONSTANTINE J. DIAMOND  
 (Type or print name of person mailing paper)

Konstantine J. Diamond  
 (Signature of person mailing paper)

## 7. Preliminary Amendment:

- a. X A Preliminary Amendment is attached.
- b.      Cancel in this application original claims            of the prior application before calculating the filing fee.
- c.      Please amend the specification by  
deleting the text on page 1, lines 3-4 and inserting therefor the following sentence:  
  
"This is a      continuation  
     divisional  
of copending application(s) serial number                      filed on           ."
- d.      A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

## 8. Small entity status:

- a.      Applicant claims small entity status.
- b.      Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c.      Is no longer desired.

## 9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	5    -20 =	0	x 18.00	0.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	1    -3 =	0	x 80.00	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			270.00	
BASIC FEE (37 C.F.R. § 1.16(a))				710.00
TOTAL OF ABOVE CALCULATIONS				710.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				
TOTAL				710.00

10. X A check in the amount of \$ 710.00 is enclosed.
11. X The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a. X Fees required under 37 C.F.R. § 1.16.
- b. X Fees required under 37 C.F.R. § 1.17.

12. Maintenance of Copendency of Prior Application

☒ A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until February 15, 2001.

13. ☐ An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a. ☐ Form PTO/SB/08 (☐ sheet(s))

b. ☐ Copies of references cited

14. ☐ Certified copy of priority document(s)

15. ☒ Return Receipt Postcard

16. ☐ Other: \_\_\_\_\_

17. ☒ An Assignment of the invention to REHRIG PACIFIC COMPANY having an address of 4010 East 26th Street, Los Angeles, California 90023

a. ☐ is attached.

b. ☒ was recorded in the parent application on August 29, 1997 at Reel 8705, Frame 0693.

c. ☒ Applicant requests that the above assignee information be published with the application.

18. The power of attorney in the prior application is to:

KONSTANTINE J. DIAMOND 39,657  
Name of Attorney of Record Reg. No.

☐ The power appears in the original papers in the prior application.

☒ The power does not appear in the original papers, but was filed on MARCH 2, 1999.

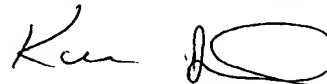
☐ A new power has been executed and is attached.

19. Correspondence Address: Please address all future communications to:

KONSTANTINE J. DIAMOND,  
Brooks & Kushman P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1351  
Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

**WILLIAM PATRICK APPS**



Date February 15, 2001

Name: KONSTANTINE J. DIAMOND  
Registration No.: 39,657

☒ Attorney or agent of record  
☐ Filed under Rule 34(a)